IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 16622 of 2004

Between:

Mohd. Shakeel, S/o. Mohd. Hussain,
R/o. 10-5-316, Humayun Nagar, Hyderabad.

..... PETITIONER

AND

The Regional Passport Officer,

Passport Office, SECUNDERABAD.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or orders more particularly *Writ of Mandamus* declaring the action of the respondent in not considering the representation of the petitioner for correction of date of birth in the passport and not making the change of date of birth in passport arbitrary, illegal and inhuman and apart from the letter and spirit of Constitution of India, and consequently direct the respondent to correct the date of birth as 02-06-1969 instead of 02-06-1972 in petitioners passport No. L272239 issued on 23-04-1992 and issue the fresh passport to the petitioner.

Counsel for the Petitioner: MOHD.MUMTAZ PASHA

Counsel for the Respondent: MR. ARAJASHEKAR REDDY (Senior SC

FOR CG)

The Court made the following:

O R D E R:

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondent.

2 . This Writ petition is filed seeking a declaration that the action of the respondent in not considering the representation of the petitioner for correction of date of birth in the passport and not making necessary alteration, as arbitrary and illegal.

3. The petitioner states that he obtained passport on 23.04.1992 in which, his date of birth by mistake was wrongly mentioned as 02.06.1972 instead of 02.06.1969. It is further stated that he approached the respondent, seeking correction of the date of birth in the passport, on the basis of a birth certificate issued by the Municipal Corporation of Hyderabad, dated 04.09.2004, in which, his date of birth has been certified as 02.06.1969. However, the respondent refused to take any action. Hence, this writ petition.

4. As held by this Court in a judgment in **Mohammad Dilawar Shariff v. Union of India, represented by its Secretary, Ministry of External Affairs, New Delhi and another** correction of date of birth in the passport once issued is not permissible. However, it is to be noted that subsequently, the Government of India, Ministry of External Affairs has issued a circular dated 18.04.2001, under which it is now permissible for the Regional Passport Officer to affect the corrections under certain circumstances specified under the circular.

5. In the circumstances, the writ petition is disposed of granting liberty to the petitioner to make an appropriate application together with the material to substantiate his correct date of birth within two weeks from today, in which

event, the respondent shall consider the same in terms of the circular dated 18.04.2001 and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

6. Accordingly, this writ petition is disposed of. No costs.

_____

(G. ROHINI,J)

8th September, 2004

Ksn

Note: Issue C.C. in three days.

B.O.

Ksn

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Regional Passport Officer,

Passport Office, SECUNDERABAD.

2. Two C.D. copies